

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

FRANCONIA SQUARE, LLC	:	
	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 1:12cv1007
	:	CMH/JFA
NOVA PETROLEUM REALTY, LLC	:	
	:	
	:	
Defendant.	:	
	:	

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**PLAINTIFF'S GROUNDS FOR DEFENSE**

The following are grounds for defense to the Amended Counterclaim filed by Defendant.

1. Defendant has not complied with the provisions of the Petroleum Marketing Protections Act (15 U.S.C. §2801, et seq.)
2. Any violations of state and local law are the responsibility of Defendant.
3. Any action's required by Plaintiff pursuant to the franchise in reference to any violations of laws have been prevented by the actions of defendant.
4. Plaintiff has not been cited by any State or Local government with any violations of law.
5. Defendant has failed to mitigate damages.
6. Any injury or damages caused to Defendant was caused solely by the action or inaction of Defendant.
7. Defendant is barred in whole or in part by its failure to comply with applicable law.

Respectfully submitted,

Franconia Square, LLC,  
by Counsel

/s/

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 15th day of October, 2012, I electronically filed the foregoing with the Clerk of the Court and sent via first class U.S. Mail, postage prepaid to:

John M. Luchak  
Bassman, Mitchell & Alfano, Chartered  
1707 L Street, N.W., Suite 560  
Washington, DC 20036

/s/

Douglas E. Bywater